

Appl. No. 10/614,373
Reply to Office Action of November 27, 2007
Amendment dated: May 27, 2008

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REMARKS

Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. sections 102 and 103. Applicant respectfully submits that the prior art references of record cited by the Examiner fail to provide any teaching or suggestion whatsoever regarding Applicants presently claimed subject matter.

More specifically, Applicant respectfully submits that the Examiner has merely glossed over the significance of the limitations detailed in independent claim 1 and made the improperly supported assertion that the prior art describes these limitations and that it therefore would have been obvious to make the combination claimed by Applicant in the instant application.

Specifically, Applicant submits that the Examiner has yet to explain where the following claim limitations can be found in the cited art of record in a manner that can be properly combined in support of an obviousness rejection:

1. "a second one of the polyurethane resins being a polyurethane resin having a urethane group concentration of 3.0 mmol/g or above."
(emphasis added.)
2. "said aromatic polyester polyurethane resin has an OH value of 10 to 500 KOH mg/g." (emphasis added.)

Although the Examiner, in the most recent Action, has referenced the Kato '035 reference, the Examiner merely asserts that although the Kato 035

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fails to disclose a binder that contains a first aromatic polyester polyurethane resin in combination with a second polyurethane resin having a urethane group concentration of 3.0 mmol/g or above, it would have been obvious to make such a combination in light of the teachings of the Murayama reference.

The Examiner asserts that this rejection is appropriate because Murayama teaches that the use of an aromatic polyester with a polyurethane resin can provide magnetic recording medium having a magnetic layer which greater strength than a magnetic layer in which a binder incorporates a polyurethane resin and a vinyl chloride copolymer.

Applicant respectfully submits that this recitation does not provide the appropriate teaching or suggestion to result in the combination of elements set forth in independent claim 1 nor the remaining dependent claims

As set forth in paragraph [0047] of Applicant's disclosure, "[An] OH value less than 10 KOHmg/g results in increase in the molecular weight of the aromatic polyester, and this may undesirably make it difficult to synthesize the polyester per se, may decrease the amount of introduction of urethane group (or a combination of urethane group and urea group) after the urethanization, may reduce the inter-molecular network based on hydrogen bonding, and may lower the toughness and strong coagulating force of the polyurethane resin layer. On the contrary, too large hydrogen group value tends to harden the polyurethane resin."

The Examiner has failed to cite any reference that discloses, teaches, or even remotely suggests this critical limitation described by Applicant in the instant application.

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As set forth in paragraph [0042] of Applicant's disclosure, "Because the binder uses, as a part of the composition thereof, the polyurethane resin having a urethane group concentration of 3.0 mmol/g or above, or a polyurethane urea resin having a total concentration of urethane group and urea group of 3.0 mmol/g or above, the magnetic coated film will have a raised strength and desirable durability."

The Examiner has failed to cite any reference that discloses, teaches, or properly suggests this critical limitation in combination with the remaining elements of the claim. Furthermore, Applicant respectfully submits that the Examiner has failed to provide the requisite teaching or suggestion regarding the subject matter of the dependent claims which sets forth the preferred weight concentration ratios of the various basic ingredients.

Accordingly, in light of the foregoing, Applicant respectfully submits that all claims remaining condition for allowance in light of the deficiencies of the prior rejections

Respectfully submitted,

Date: 5/27/08

(Reg. #87,697)

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